Applicant: Thomas E. Donaldson et al. Attorney's Docket No.: 06975-146001 / Search 02

Serial No.: 09/749,798

Filed: December 28, 2000

Page : 6 of 7

REMARKS

In response to the Office Action of November 3, 2006, Applicants ask that all claims be allowed in view of the amendment to the claims and the following remarks. Claims 9-15 and 19-26 are pending of which claims 9, 14, 19 and 26 are independent. Claims 9, 19, and 26 have been amended to address the Examiner's concerns. Claims 1-8 and 16-18 were cancelled in a previous response.

Applicants thank the Examiner for the telephone interview on December 5, 2006. During the interview, the Examiner (1) indicated that the rejection of claims 9, 19, and 26 under 35 U.S.C. § 112, 2nd paragraph for including the term "if" is withdrawn, and (2) acknowledged the absence of the pronoun "that" in claims 14 and 15, and therefore, also indicated that the rejection of those claims under 35 U.S.C. § 112, 2nd paragraph is withdrawn.

Additionally, during the interview, Applicants indicated that claims 9, 19, and 26 would be amended to address the Examiner's concerns by removing the phrase "such that" (which is understood to be the phrase with which the Examiner was concerned, rather than the phrase "such as," as indicated in the Office Action of November 3, 2006 on page 2). As promised, this language is removed from claims 9, 19 and 26.

As such, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 9, 14, 15, 19, and 26 under 35 U.S.C. § 112, 2nd paragraph. In view of the interview, the amendment to claims 9, 19, and 26, and the indication of allowable subject matter in the Office Action of November 3, 2006 at page 2, Applicants assert that all claims are in condition for allowance. Applicants request a Notice of Allowance at the Examiner's earliest convenience.

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this reply, and the

Applicant: Thomas E. Donaldson et al. Attorney's Docket No.: 06975-146001 / Search 02

Serial No.: 09/749,798

Filed: December 28, 2000

Page : 7 of 7

amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

No fee is believed to be due. Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 12/12/06

Stephanie Deckter
Reg. No. 58,652

Fish & Richardson P.C. 1425 K Street, N.W. 11th Floor

Washington, DC 20005-3500 Telephone: (202) 783-5070 Facsimile: (202) 783-2331

40384531.doc